

REMARKS

In response to the Office Action dated December 24, 2008, claims 1-21 have been canceled and new claims 22-35 have been added. Claims 22-35 are pending in the application.

In paragraph 3 on page 4 of the Office Action, claims 1-3, 6, 7 and 10-21 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Pandya in view of Nouri and in further view of Vaid.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has canceled claim 1-21 and have added new claim 22-35.

New independent claim 22 sets forth a method for monitoring, from a remote location comprising a monitor and control unit, operations of a head-end in an information distribution system. The method includes receiving, at a monitor and control unit, status from a head-end relating to operations performed at the head-end for providing content to terminals within a coverage area of the head-end, receiving, at the monitor and control unit, identity, type and capability of a plurality of remote devices capable of responding to status from a head-end, processing the status received from the head-end in conformance with the indicated capabilities of remote devices designated by the monitor and control unit to receive the status, forwarding the processed status from the monitor and control unit to a communication server and sending the processed status received by the communication server to the designated remote devices to present the status to off-site personnel for troubleshooting the operations of the head-end.

In contrast, Pandya merely describes agents, which are associated with distributed client computers, for communicating bandwidth allocation data to a control module. The control module calculates a bandwidth allocation for each of the distributed client computers and communicates the calculated bandwidth allocation to the agents. The agents restrict

bandwidth usage by the distributed client computers in accordance with the calculated bandwidth allocation communicated to the agents by the control module.

However, the control modules do not communicate with a communication server. The control modules do not therefore provide status to remote devices through the communication server. Moreover, the control module fails to process status in conformance with the capabilities of remote devices.

Thus, Pandya fail to disclose, teach or suggest the invention as defined in independent claim 22.

Nouri fails to overcome the deficiencies of Pandya. Nouri is merely cited as disclosing forwarding of a response message to a targeted head-end. However, as with Pandya, Nouri fails to suggest that a control device communicate with a communication server. Nouri also fails to suggest that a control device provides status to remote devices through a communication server. Moreover, Nouri fails to suggest a control device that processes status in conformance with the capabilities of remote devices.

Thus, Pandya and Nouri, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claim 22.

Vaid fails to overcome the deficiencies of Pandya and Nouri. Vaid is merely cited as disclosing the use of an audible alert. However, as with Pandya and Nouri, Vaid fails to suggest that a control device communicate with a communication server. Vaid also fails to suggest that a control device provides status to remote devices through a communication server. Moreover, Vaid fails to suggest a control device that processes status in conformance with the capabilities of remote devices.

Thus, Pandya, Nouri and Vaid, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claim 22.

Dependent claims 23-35 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claim 22. Further dependent claims 23-35 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 23-35 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould
P.O Box 2903
Minneapolis, MN 55402-2903
865-380-5976



A handwritten signature in dark ink, appearing to read "David W. Lynch". The signature is fluid and cursive, written over a horizontal line.

By: _____
Name: David W. Lynch
Reg. No.: 36,204